

the District Court of the United States for said district an information against James W. Wheeler, trading as Wheeler & Barnes, Biloxi Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about May 31 and June 6, 1922, respectively, from the State of Mississippi into the State of Texas, of quantities of crab meat in unlabeled cans which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11716. Misbranding of crab meat. U. S. v. William Cruso (William Cruso & Co.). Plea of guilty. Fine, \$15. (F. & D. No. 16952. I. S. No. 18257-t.)

On February 28, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Cruso, trading as William Cruso & Co., Biloxi, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 6, 1922, from the State of Mississippi into the State of Texas, of a quantity of crab meat in unlabeled cans which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

During the February, 1923, term of the said district court, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11717. Adulteration and misbranding of canned oysters. U. S. v. 90 Cases of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17349. I. S. No. 7989-v. S. No. W-1349.)

On March 12, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 cases of oysters, remaining in the original unbroken packages at Los Angeles, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about January 16, 1923, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Maryland Chief Brand Baltimore * * * Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Oysters," was false and misleading and deceived and misled the purchaser.

On March 23, 1923, J. Langrall & Bro., Inc., Baltimore Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in compliance with the provisions of the said act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11718. Misbranding of assorted jellies and assorted preserves. U. S. v. 200 Cases of Assorted Jellies, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17336, 17401, 17402, 17403, 17441. I. S. Nos. 8175-v to 8182-v, incl., 8703-v to 8712-v, incl., 8724-v to 8731-v, incl. S. Nos. W-1335, W-1356, W-1357, W-1358, W-1362, W-1363.)

On or about March 19 and 29 and April 6 and 7, 1923, respectively, the United States attorney for the District of Colorado, acting upon reports by the Sec-

retary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 918 cases of assorted jellies, 15 cases of apple and currant jelly, and 244 cases of assorted preserves, remaining in the original unbroken packages in various lots at Denver, Pueblo, Trinidad, and Grand Junction, Colo., respectively, consigned by the Lakeside Preserving Co., Chicago, Ill., alleging that the articles had been shipped from Chicago, between the dates of September 27, 1921, and January 30, 1923, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled variously, in part: "Grove Brand Pure Fruit Jelly Apple And Strawberry" (or "Apple And Grape," "Apple And Currant," "Apple And Raspberry," "Apple") "* * * Lakeside Preserving Co. Chicago, Illinois;" "Colonial Brand * * * Wilson & Co. Chicago U. S. A. Pure Fruit Jelly Crabapple" (or "Apple and Raspberry," "Apple and Strawberry," "Apple and Currant," "Apple and Grape," "Apple"); and "Grove Brand Pure Fruit Preserves Apple And Loganberry" (or "Apple And Raspberry," "Apple And Blackberry," "Apple And Strawberry") "* * * Lakeside Preserving Co. Chicago, Illinois."

Misbranding of the articles was alleged in substance in the libels for the reason that the statements appearing on the labels of the respective containers of a portion of the said jellies, to wit, "Grove Brand Pure Fruit Jelly Apple And Currant" or "Apple And Strawberry," "Apple And Raspberry," "Apple," "Apple And Grape," as the case might be, the statements appearing on the labels of the respective containers of the remainder of the said jellies, to wit, "Pure Fruit Jelly Apple" or "Crabapple," "Apple and Raspberry," "Apple and Strawberry," "Apple and Currant," "Apple and Grape," as the case might be, and the statements appearing on the labels of the respective containers of the said preserves, to wit, "Grove Brand Pure Fruit Preserves Apple And Loganberry" or "Apple And Blackberry," "Apple And Raspberry," "Apple And Strawberry," as the case might be, were false and misleading and deceived and misled the purchaser.

On July 28, 1923, the Lakeside Preserving Co., Chicago, Ill., claimant, having admitted for the purpose of securing the release of the products that they were misbranded and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11719. Adulteration of butter. U. S. v. 35 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked and relabeled. (F. & D. No. 17597. I. S. No. 3318-v. S. No. E-4429.)

On July 2, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of creamery butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Cumberland Valley Creamery, from Nashville, Tenn., June 19, 1923, and transported from the State of Tennessee into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been abstracted.

On or about July 6, 1923, the Cudahy Packing Co., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$273, in conformity with section 10 of the act, conditioned in part that the claimant pay the costs of the proceedings and that the product be reshipped to the Cumberland Valley Creamery, Inc., Nashville, Tenn., to be reworked and relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*